

requires that the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner has stated that "the control unit and its connections, must be shown or the feature(s) canceled from the claim(s)." Figures 1 and 2 have been herein amended to include the control unit and its connections, as can be seen in the new versions of Figures 1 and 2 which are attached to the accompanying Letter to the Official Draftsman. Support for these amendments can be found in the specification at, *inter alia*, page 2, lines 20-25; page 5, line 35 to page 6, line 2; page 6, lines 23-24; page 8, lines 29-35; originally filed claims 1 and 11; and the abstract. In addition, the specification has been amended herein to reflect the amendments to the drawings, and support thereof can be found in the specification at, *inter alia*, page 6, lines 23-24.

Thus, Applicants respectfully submit that the objections to the drawings have been overcome and should therefore be withdrawn.

### III. OBJECTION TO CLAIM 35

The Examiner has objected to claim 35 under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have herein amended claim 35 to depend from current claim 20, rather than cancelled claim 1. Thus, Applicants respectfully submit that the objection to claim 35 has been overcome and should therefore be withdrawn.

### IV. REJECTIONS UNDER 35 U.S.C. §102

The Examiner has rejected claims 20-25, 29, 31, 33 and 34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,624,625 ("Schrenker"), has rejected claims 20-26, 29, 33 and 34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No.



5,074,755 ("Vincent"), and has rejected claims 20-25, 29, 33 and 34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,428,042 ("Chesnut"). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons.

In the Office Action mailed on December 18, 2002, the Examiner objected to claim 32 as being dependent upon a rejected base claim, but which would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By the current amendment, independent claim 20 has been amended herein to include the claim limitations of now-cancelled claim 32. That is, claim 20 now includes the claim limitations of a hydraulic sensor in fluid connection with the hydraulic unit, the hydraulic sensor adapted and arranged for measuring the pressure of the fluid within the hydraulic unit, wherein the control unit is connected to the hydraulic sensor and wherein the control unit is adapted for shutting off the pumping unit in response to a measured pressure outside a predetermined range. Pending claims 21-26, 29, 33 and 34 all depend, directly or indirectly, from independent claim 20, and thus include these claim limitations as well.

Therefore, Applicants respectfully submit that the rejections under 35 U.S.C. § 102(b) have been overcome and should therefore be withdrawn.

V. REJECTIONS UNDER 35 U.S.C. §103

The Examiner has rejected claims 30 and 36 under 35 U.S.C. § 103(a) as being unpatentable over each of Schrenker, Vincent, or Chesnut, and has rejected claim 35 under 35 U.S.C. § 103(a) as being unpatentable over Chesnut in view of U.S. Patent No. 5,249,932 ("VanBork"). It is respectfully submitted that this rejection should be withdrawn for at least



the following reasons.

As explained above regarding the § 102 rejections, in the Office Action mailed on December 18, 2002, the Examiner objected to claim 32 as being dependent upon a rejected base claim, but which would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By the current amendment, independent claim 20 has been amended herein to include the claim limitations of now-cancelled claim 32. Pending claims 30, 35 and 36 all depend, directly or indirectly, from independent claim 20, and thus include these amendments to claim 20 as well.

Therefore, Applicants respectfully submit that the rejections under 35 U.S.C. § 103(a) have been overcome and should therefore be withdrawn.

VI. CLAIMS 44 AND 45

Applicants seek clarification regarding the status of claims 44 and 45. On the Office Action Summary sheet, the Examiner has indicated that claims 44 and 45 have been rejected; however, the Examiner has not addressed nor mentioned either claim 44 or 45 within the body of the Office Action. Thus, Applicants are unable to respond to the rejection, if one exists, of claims 44 and 45. Therefore, Applicants respectfully submit that if claims 44 and 45 have actually been rejected, that the Examiner please describe these rejections in an Office Action such that the Applicants can properly address such rejections.


VII.

CONCLUSION

Applicants respectfully submit that the pending claims are now in condition for allowance and request that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicants' attorney, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,  
KENYON & KENYON

Dated: March 14, 2003

By:   
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

The paragraph beginning on page 8, line 29, has been amended as follows:

Pressure sensor 10, which is located in hydraulic unit 9, which is filled with hydraulic fluid, is connected to a display and/or driving device 1 by a computer integrated into the control unit 16, turning the device off on reaching or exceeding a definable limit value. This reliably limits the maximum pressure head in the entire system in the event of a blockade of hydraulic unit 9 or a defect in the valves or clamps of the head piece, for example.

**IN THE CLAIMS:**

Claims 31 and 32 have been cancelled without prejudice.

Claims 20 and 35 have been amended as follows:

20. (amended) A pumping device for delivering and metering medical fluids comprising:
- a. a membrane unit having a membrane bordering a first chamber;
  - b. a pumping unit connected to the first chamber by a hydraulic unit containing hydraulic fluid that is in fluid connection with the first chamber;
  - c. a hydraulic sensor in fluid connection with the hydraulic unit, the hydraulic sensor adapted and arranged for measuring the pressure of the fluid within the hydraulic unit;
  - d e. a measuring device for measuring the pumping unit output; and
  - e d. a control unit connected to the measuring device, ~~and~~ the pumping unit, and the hydraulic sensor; wherein the control unit is adapted and arranged for

controlling the pumping unit output based on the measurements of the measuring device, and wherein the control unit is adapted for shutting off the pumping unit in response to a measured pressure outside a predetermined range.

35. (amended) The device of claim 20 † wherein the hydraulic unit includes a vent valve.